

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	CASE NO. BK 19-80064
)	
SPECIALTY RETAIL SHOPS)	CHAPTER 11
HOLDING CORP., ET. AL.)	
		(Jointly administered)
)	
Debtor.)	

AMENDED MOTION FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE
CLAIM OUT OF TIME AND RELIEF FROM BAR DATE ORDER OF FEBRUARY 14, 2019
AND NOTICE OF OBJECTION /RESISTANCE DEADLINE

COMES NOW, Fiesta Jewelry Corporation (“Fiesta”) and in support of its Amended Motion for Allowance And Payment Of Administrative Claim Out Of time and Relief From Bar Date Order of February 14, 2019 And notice Of Objection/Resistance Deadline, states and alleges as follows:

1. For several years prior to the filing of the jointly administered debtors’ (“debtors”) Chapter 11 case before this Court on January 16, 2019, Fiesta, on a regular basis and in the ordinary course of business of both Fiesta and Debtors, sold jewelry and jewelry related items to Debtors on an open invoice basis.
2. The manner in which Fiesta undertook such sales was that Debtors would issue purchase orders for goods to Fiesta and Fiesta, in turn, would supply such goods to Debtors receiving payment therefor from Debtors upon the issuance of appropriate invoices;

3. As of the filing date , Debtors were indebted to Fiesta for goods shipped , on an unsecured basis in the amount of \$88,841.65. Fiesta has filed its Proof of Claim in this case in said amount.
4. Subsequent to Debtors' filing of its petition herein, Debtors, in the ordinary course of business, submitted purchase orders to Fiesta for the purchase and shipment of goods and through Debtors' representatives with whom Fiesta regularly did business represented to Fiesta that as Debtors now operated as Debtors-In-Possession, Fiesta would be paid for such goods upon the usual submission of invoices to Debtor for same.
5. From and after March 4, 2019, Fiesta shipped goods to Debtors in the amount of \$55,841.65. As the actual invoices for such goods are numerous and as Fiesta has no reason to believe that Debtors dispute the amount thereof. Due to length, such invoices are not attached in their entirety hereto but are available for review by this Court or any party in interest in this case. That the value of the goods constitute actual and necessary costs and expenses preserving the estate herein pursuant to 11 U.S.C. § 503(b)(1)(A).
6. On February 14, 2019, this Court entered its *Order (I) Setting a Bar Date for Filing Proof of Claim, including Claims Arising under section 503(b) of the Bankruptcy Code , (II) Setting a Bar Date for the filing of Proofs of claim by governmental Units, (III) Setting a Bar Date for the Filing of Requests for Allowance of Administrative Expense Claims, (IV) Setting an Amended Schedules Bar Date (V) Setting a Rejection Damages Bar Date, (VI) Setting a Premises Liability Claims Bar Date, (VII) approving the Form*

and Manner for Filing of Proofs of claim, (VIII) Approving the Notice of the Bar Dates, and (IX) Granting Related Relief (Doc# 421) (“Order”) setting, *inter alia*, a bar date for the filing of administrative expense claims herein as April 1, 2019.

7. Fiesta was not served with a copy of the Order at that time or at any time subsequent thereto and was only made aware of the Order on or about June 16, 2019, when Fiesta made inquiry as to the status of payment of its submitted invoices.
8. At all times, Fiesta acted in good faith and, on a post-petition basis furnished goods to Debtors on credit to, for and on behalf of Debtors which goods have now been sold by Debtors or remain in the inventory thereof. At a bare minimum, Fiestas actions constitute excusable neglect.
9. On June 27, 2019, a hearing was held before this Court for the purpose of establishing procedures for the resolution of certain administrative claims filed herein. Fiesta does not believe that the discussed procedures and any orders which may emanate therefrom have any bearing on Fiesta’s administrative claim but, if and to the extent that they do, Fiesta agrees to abide by same.

WHEREFORE, Fiesta herewith requests that this Court make and enter an Order allowing Fiesta’s post-petition administrative claim herein and directing that Debtors pay same to Fiesta forthwith in the amount of \$55,841.65.

RULE 9013-1 NOTICE: Please Take notice that pursuant to Local Rule 9013-1(E), any objection or resistance to this Motion must be filed on or before July, 22, 2019 (“the Resistance Date”). If no objection is timely filed on or before the Resistance Date, then, pursuant to Local Rule 9013-1(D), the Court may enter an order in favor of the moving party.

Dated this 1st Day of July, 2019

Fiesta Jewelry Corporation

By: */s/ Robert V. Ginn*
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CERTIFICATE OF SERVICE

I Certify that on July 1, 2019, I caused the above document to be filed with the Bankruptcy Court’s CM/ECF system which gave notification electronically to all parties who filed an appearance or requested notice by electronic filing in this case and I hereby certify that I have mailed by first class United States mail, prepaid, the document to the following nom CM/ECF participants:

NONE

/s/ Robert V. Ginn

